

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Kathy E. Adams,

Plaintiff,

v.

Condoleezza Rice,

Defendant.

Civil Action No.: 05-941

PLAINTIFF'S NOTICE OF FILING

Please take notice that Defendant provided the correct with an incorrect citation on page 15 of its reply memorandum in support of its motion to dismiss. Defendant cites to "Crane v. Doyle, 615 F.Supp. 156 (D.D.C. 1985)." Defendant's Reply Mem. at 15. However, the case reported on page 156 of that reporter is *Burns v. Supermarkets General Corporation*, which makes no mention of the Administrative Procedure Act or the Rehabilitation Act. See 615 F.Supp. 154 (E.D. Penn. 1985). Moreover, the case is from the Eastern District of Pennsylvania, not the District Court for the District of Columbia as presented by Defendant.

Plaintiff believes that Defendant meant to cite *Crane v. Dole* at 617 F.Supp. 156 (D.D.C. 1985) (emphasis added), because the quote Defendant attributes to the fictitious case can be found in *Crane v. Dole* and the names and citations are similar. *Crane v. Dole*, however, does not support the proposition that "the proper legal remedy is for her [Ms. Adams] to bring a claim under the Administrative Procedure Act," as claimed by Defendant. Def.'s Reply Mem. at 15. Indeed, *Crane v. Dole*, the case that Plaintiff believes Defendant meant to cite, found just the opposite. *Crane*, 617 F.Supp. at 163 ("The plaintiff brought this action pursuant to the Rehabilitation Act of 1973 and the

Administrative Procedures Act. While the Court finds that the agency has acted arbitrarily and capriciously in considering plaintiff's application for employment, the relief it grants is solely based upon that afforded under the Rehabilitation Act of 1973.").

Respectfully submitted,

/s/

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